

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: NEILSEN SUBDIVISION

Case Number: PLD2004-00074; SEP2004-00133; WET2004-00030;
HAB2004-00177; EVR2004-00066

Location: Healy Road just east of SR 503

Request: The applicant is requesting to subdivide an approximate 13.7-acre parcel into 5 single-family residential lots located in the RC2.5 zone district. There are wetlands and habitat on the property.

Applicant: Moss and Associates
Attn: Jennifer Berry
717 NE 61st Street, Suite 202
Vancouver, WA 98665
(360) 260-9400; (360) 260-3509 FAX
E-mail: Jennifer@mossandassociates.net

Contact Person: Same as applicant

Property Owner: Jim Neilsen
PO Box 182
Brush Prairie, WA 98606

RECOMMENDATION

Approval subject to Conditions of Approval

Team Leader's Initials: **Date Issued:** 12/6/04

Public Hearing Date: December 21, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Travis Goddard	4180	Travis.goddard@clark.wa.gov
Engineer:	Ken Burgstahler	4347	Ken.burgstahler@clark.wa.gov
Engineer: (Concurrency)	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov

Engineer Supervisor:	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	Brent.davis@clark.wa.gov
Habitat Biologist:	Dave Howe	4598	David.howe@clark.wa.gov

Comp Plan Designation: RC-2.5

Parcel Number(s): (Parcel Number 274385-000; 274588-000)
Southeast Quarter of Section 12,
Township 5 North, Range 3 East of the
Willamette Meridian; Northeast Quarter of
Section 13, Township 5 North, Range 3
East of the Willamette Meridian

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.210.030 (RC Residential District), Chapter 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.440 (Habitat Conservation), Section 40.450 (Wetland Protection Ordinance), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

None.

Time Limits:

The application was determined to be fully complete on October 7, 2004. Therefore, the County Code requirement for issuing a decision within 92 days lapses on January 7, 2005. The State requirement for issuing a decision within 120 calendar days, lapses on February 4, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on January 8, 2004. Therefore the application was not submitted in time to contingently vest.

The fully complete application was submitted on September 30, 2004 and determined to be fully complete on October 7, 2004. Given these facts the application is vested on September 7, 2004.

There are not any disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 500(rural) feet of the site on October 21, 2004 (Note: This site is not located within the boundaries of a recognized neighborhood association.) One sign was posted on the subject property and two within the vicinity on October 21, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on October 21, 2004.

Public Comments:

The Washington State Department of Ecology expressed concerns about the potential toxic materials being found during development. Their letter included instructions on what the applicant can do should they find any toxic materials. They also expressed concerns about water quality and the need for erosion control and stormwater control. Lastly they discussed groundwater withdrawal for residential use.

Staff response: The applicant will be required to perform erosion control at the time of building and development activity. Should any stormwater review be triggered at any time of the development process, they will be required to meet Clark County's stormwater ordinance standards. Well water rights are an issue for the Department of Ecology and well approval is the responsibility of the Clark County Health Department. Neither of these two agencies has indicated that the proposed project will not meet their standards for well quality or quantity. The Health Department will be required to sign the final plat mylar. Should they find there is a problem with water availability they can withhold signature from the final plat and the development would be unable to proceed. The applicant assumed this risk when they proposed using groundwater wells for their water source.

Project Overview

The applicant is proposing to divide a 13.7 acre parcel into 5 lots with minimum lot sizes of 2.5 acres using the Rural Center 2.5 development standards.

The site is generally flat and has both wetlands and a tributary to Chelatchee Creek.

The development will utilize private water wells and private on-site sewage disposal systems.

This project is immediately north of another parcel that is going through the approval process at this time. Despite running concurrently and having the same applicant as PLD2004-00075, that project is not part of this review.

The applicant is asking for road modifications to relieve the development from road frontage improvements that are required within Rural Centers and from the driveway spacing requirement.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	RCR	RC-2.5	Vacant
North	RCR	RC-2.5	Large Lot Residential
East	RI	MH	Vacant
South	RCR	RC-2.5	Large Lot Residential
West	RCR	RC-2.5	Large Lot Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 Residential subdivisions are permitted provided the resulting lots can be shown to meet the standards set forth for Rural Center Residential districts in CCC 40.210.030(D).

Finding 2 Lot requirements – New lots in the RC-2.5 zoning district are required to have minimum lot areas of 2.5 acres (as per Table 40.210.030-2). In this

case Lots 1 through 4 all exceed this standard but Lot 5 is only 2.49 acres. This lot will have to be adjusted to reflect a 2.5 acre size for final approval. (See Condition of Approval A-1)

Finding 3 Lot requirements – New lots in the RC-2.5 zoning district are required to have minimum lot widths of 100 feet (as per Table 40.210.030-2). Staff finds that the proposed subdivision has lot widths ranging from 189 feet to 762 feet and therefore easily exceed this standard.

Finding 4 Lot requirements – New lots in the RC-2.5 zoning district are required to have minimum lot depths of 140 feet (as per Table 40.210.030-2). Lot 1 has a depth that ranges from 145 feet to 152 feet. Lots 2 through 5 range from approximately 600 feet to 750 feet. Staff finds that the proposed subdivision exceeds the required standard.

Finding 5 Setbacks – In the RC-2.5 zoning district, lots have a standard set of lot line setbacks as well as special setbacks for lots located adjacent to resource lands and surface mining uses. Additionally, there are special side setbacks for agricultural buildings in the above cases. Any existing buildings on the site will need to meet all setbacks prior to final plat approval and all future buildings on the individual lots will need to meet these setbacks (unless changed as the result of future code or zoning changes). See Table 40.210.030-3.

CRITICAL AREAS:

Habitat

Finding 1 A riparian Habitat Conservation Zone (HCZ) is present on the subject parcel. The riparian designation is associated with Chelatchee Creek, a Department of Natural Resources (DNR) type 3 watercourse in this area. According to CCC Table 40.440.010(C)(1)(a) of the Habitat Conservation Ordinance (HCO), a DNR type 3 watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ). The HCZ extends outward from the ordinary high water mark 200 feet, or to the edge of the existing 100-year floodplain, whichever is greater. In this case, the former of the two measurements defines the extent of the riparian HCZ.

Finding 2 The applicant is proposing to place the septic drain fields within the 200-foot riparian HCZ, which will generate habitat impacts associated with clearing and excavation by heavy equipment. However, per CCC Table 40.440.010-1, row 11, "clearing as minimally necessary for placement of... septic systems or individual lot sewer, water, electrical or utility connections where practical alternatives do not exist" is exempt from the HCO (emphasis added). The applicant has provided evidence that "practical [non-habitat] alternatives do not exist" on the site for septic installation (see Exhibits 13 and 20). In addition, the minimization of habitat impacts will be accomplished through some specific conditions of approval (see Conditions A-2 through A-5). Said conditions require "pairing" septic lines as much as possible in order to minimize habitat fragmentation impacts. Finally, conditions of approval were written to ensure that clearing is minimized for installation of the septic. As a result,

the septic line and drain field installation can comply with CCC Chapter 40.440, provided the following conditions are implemented (see Conditions A-2 through A-5).

Finding 3 The applicant will be incorporating portions of the riparian HCZ within the acreages of the proposed lots. In order to prevent future confusion and possible habitat degradation by individual lot owners, several conditions of approval were rendered (see Conditions A-6 through A-12). These conditions are intended to adequately identify and prevent habitat impacts like pet predation, dumping of yard wastes, clearing, fencing, etc. It has been well documented that these human induced impacts can significantly affect habitat functionality. In this case, the potential disturbance would negatively impair wildlife occupation of viable habitats, local wildlife population levels, wildlife movement and dispersal, contribute to non-point sources of pollution and erosion, and simplify habitat structure and function from it's current level of biocomplexity, which does not comply with CCC Chapter 40.440.020(A)(2)(a). Therefore, provided the following conditions of approval are implemented, staff finds the subdivision can comply with the CCC Chapter 40.440.

Wetland

Finding 1 Compliance with CCC 40.450 will ensure that the project has no significant environmental impacts to wetlands (see SEPA Determination).

Finding 2 Staff concurs with the wetland and wetland buffer boundaries shown on the revised preliminary plat (Exhibit 18). The site contains Category 4 and Category 2 wetlands.

Finding 3 The revised preliminary plat shows more wetland impact than the Preliminary Wetland Mitigation Plan prepared by the Resource Company (Exhibit 21). The proposed wetland mitigation measures comply with CCC 40.440.040(D)(2) in concept, but the total wetland enhancement area must be expanded to replace the proposed impact at a 4:1 ratio. There is adequate wetland area available on the site to provide the required enhancement.

Finding 4 The revised preliminary plat shows more wetland buffer impact than the Preliminary Wetland Mitigation Plan prepared by the Resource Company (Exhibit 21). The total buffer impact must also include the loss of buffer function adjacent to the proposed wetland fill. The proposed wetland buffer mitigation measures do not comply with CCC 40.440.040(C)(5). The total wetland buffer enhancement area must be expanded to replace the proposed buffer reduction at a 2:1 ratio. There is adequate wetland buffer area available on the site to provide the required enhancement.

Wetland Conclusion: Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary land division and preliminary wetland permit comply with the requirements of the Wetland Protection

Ordinance PROVIDED that certain conditions (listed below) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION:

Circulation Plan

Finding 1 – The purpose of a circulation plan is to ensure adequate cross circulation in a manner, which allows subsequent developments to meet these standards, and to provide a mechanism for integrating various streets into an efficient and safe transportation network per CCC 40.350.030(B)(2)(a). The evidence submitted with this application shows that there is no feasibility of additional cross circulation roads within and in the vicinity of this development that could reasonably accomplish this purpose.

Roads

Finding 2 – The onsite road is proposed as a Rural Private Road. This road must comply with the requirements of Table 40.350.030-5 and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum surfacing width of 20 feet and a minimum easement width of 30 feet. (See Condition # A-16)

Finding 3 – CCC 40.350.030(B)(12)(b)(1) requires an approved turnaround on private roads greater than 150 feet in length. CCC 40.350.030(B)(12)(b)(2) goes on to say that approved turnarounds may include cul-de-sacs or hammerheads. The applicant proposes a hammerhead complying with Drawing 32 of the Transportation Standards. Staff finds this acceptable. (See Condition # A-17)

Finding 4 – The applicant shall provide a private road maintenance agreement for the private road as required in CCC 40.350.030(C)(4)(g). This agreement must include the owners of all the lots in this development among those responsible for the maintenance of this road. (See Condition # A-18)

Finding 5 – CCC 40.350.030(B)(10)(c) requires the following notice placed on the face of the final plat: “Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance”. (See Condition # D-15)

Finding 6 – This site fronts NE Healy Road along the north boundary. This road is classified as a Rural Minor Collector. Clark County Code 40.350.030(B)(5)(a)(1) discusses frontage improvements and right-of-way dedication, indicating that they shall be a minimum of ½ of that specified in Tables 40.350.030-2 through 40.350.030-6. According to Table 40.350.030-3 and Drawing 24 of the Transportation Standards, this classification of road requires a half-width right-of-way of 30 feet and a half-width roadway of 20 feet. This site is located in a Rural Center. Frontage roads in Rural Centers are not exempted from frontage road improvements per CCC 40.350.030(B)(5)(b)(2). In addition, CCC 40.350.030(A)(8)(d) states that new developments within Rural Centers shall meet rural road standards PROVIDED that all public roads and all non-residential private roads shall be paved and constructed with

detached sidewalks. Utilizing Table 40.350.030-1, Rural Minor Collectors convert to Urban Collector Arterials (C-2), which require a 6-foot wide sidewalk, according to Drawing 12 of the Transportation Standards. Currently, NE Healy Road is paved to a width of 26 feet. Therefore, NE Healy Road must be widened 7 feet. A 6-foot wide detached sidewalk is also required. The applicant has argued that the vast majority of traffic generated by this development would not head east on NE Healy Road, as SR 503 is located a short distance to the west, and would be the normal route in and out of this development. East of the site, NE Healy Road becomes DNR-54 within 1.5 miles, extending to Skamania County as a gravel road, according to the applicant. Because of this, the county cannot require frontage improvements to the portion of NE Healy Road that is not impacted by this development, per Rich Lowry, of the Clark County Prosecuting Attorney's Office. Mr. Lowry advises that Benchmark Land Co. v. Battleground, 146 Wn2d 685 (2002) is directly on point. In that case, traffic analysis indicated that under trip distribution analysis, a subdivision would have little to no impact on a portion of frontage road Benchmark was required to improve. The State Supreme Court invalidated the condition, holding that the required expenditure for street improvements was not directly related to the traffic generated by the development. Therefore, the applicant is required to construct the required frontage improvements along NE Healy Road from the northwest corner of the site to the private road that provides access to the site. A taper at the west end complying with AASHTO standards shall also be constructed. The half-width right-of-way dedication requirement shall apply to the entire frontage with NE Healy Road. The applicant requested a Road Modification for relief from these frontage improvement requirements, which was denied. See Road Modification section below. (See Conditions A-19 & A-20)

Access

Finding 7 – Residential driveways in the rural area will not be permitted to access collectors if direct lot access is available to an existing rural access road, per CCC 40.350.030(B)(4)(c)(2)(b). All lots have access to the proposed private access road, and will not be permitted direct access to NE Healy Road. This shall be noted on the final plat. (See Condition # D-12)

Finding 8 – NE Healy Road is classified as a Rural Minor Collector. There is no posted speed limit, so it is assumed to be 50 MPH per CCC 40.350.030(B)(8)(a) and RCW 46.61.415. The minimum driveway spacing onto collectors with a speed limit of 45 MPH and over is 230 feet, per Table 40.350.030-7 of the Transportation Standards. As proposed, this development will access NE Healy Road via a private road located at the western edge of the property. This access point is approximately 50 feet west of the most westerly of a pair of driveways accessing NE Healy Road across the street, not complying with the driveway spacing standard. Although the new access is a private road and not a driveway, staff interprets this requirement to also apply to driveway spacing from intersecting roads, as a road would have more impact than a driveway. The applicant requested a Road Modification for relief from these requirements, which was denied. See Road Modification section below. (See Condition # A-21)

Finding 9 – The applicant proposes a joint driveway extending east from the private road to serve Lots 3, 4 & 5. In order to insure that all lots have access, and not place an undue burden on the future owners, the joint driveway shall be constructed to the west line of Lot 5 prior to final plat approval. This driveway shall have a minimum width of 12

feet of clear, unobstructed all-weather driving surface, and an overhead clearance of 13 feet 6 inches to comply with CCC 40.350.030(B)(4)(b)(2). (See Condition # A-22)

Finding 10 – CCC 40.350.030(B)(4)(b)(3) says that driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards. A minimum of one turnout shall be constructed with the driveway prior to final plat approval. (See Condition #A-23) A note shall be placed on the final plat requiring the turnaround in Lot 5. (See Condition # D-13)

Finding 11 – The joint driveway shall be in a minimum 20-foot wide easement to comply with CCC 40.350.030(B)(4)(b)(2). This easement shall be widened as necessary to accommodate the required turnout. (See Condition # A-24)

Finding 12 – CCC 40.350.030(B)(11) says that a maximum of three legal lots may use a joint driveway to access a public or private road. A note shall be placed on the final plat saying that only Lots 3, 4 & 5 of this plat may utilize the joint driveway to access the private road. (See Condition # D-14)

Sight Distance

Finding 13 – NE Healy Road does not have a posted speed limit, so it is assumed to be 50 MPH, per CCC 40.350.030(B)(8)(a) and RCW 46.61.415. Therefore, the required sight distance on NE Healy Road at the intersection with the proposed private road is 500 feet in both directions, per Table 40.350.030-11 of the Transportation Standards. The narrative submitted with the preliminary review package contains a statement that this sight distance is available. However, this narrative does not contain an engineer's stamp and signature. Therefore, the applicant must submit a document, signed and stamped by an engineer licensed in the State of Washington, indicating that this sight distance is available. Sight distance is to be measured in compliance with CCC 40.350.030(B)(8)(b). (See Condition # A-25)

Road Modifications

The applicant applied for a Road Modification (EVR2004-00066) to address the three issues listed below:

Road Modification 1: As stated in Transportation Finding 6 above, the required frontage improvements along NE Healy Road is a minimum half-width pavement of 20 feet, and a 6-foot wide detached sidewalk. Staff has been advised by the Clark County Prosecuting Attorney's office that the county cannot require frontage improvements to that portion of NE Healy Road that is not impacted by this development, per Benchmark Land Co. v. Battleground, 146Wn2d 685 (2002), as detailed in Transportation Finding #6 above. Therefore, the applicant is required to construct the required frontage improvements along NE Healy Road from the northwest corner of the site to the private road that provides access to the site. A taper at the west end complying with AASHTO standards shall also be constructed. The applicant requested a Road Modification for relief from these requirements.

According to CCC 40.550.010(A)(1), in order for the County to approve a Road Modification request, one of the following conditions must be met:

"A. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available;"

Finding 14 – The applicant is not using this criterion as a basis for this road modification request.

"B. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;"

Finding 15 – The applicant is not using this criterion as a basis for this road modification request.

"C. An alternative design is proposed which will provide a plan equal to or superior to these standards; and,"

Finding 16 – The applicant is not using this criterion as a basis for this road modification request.

"D. Application of the transportation standards to the development would be grossly disproportional to the impacts created."

Finding 17 – An engineering cost analysis was submitted in compliance with CCC 40.550.010(D)(2)(c). This was revised to reflect construction of 80 feet of frontage improvements. According to this study, the cost to make the required improvements is estimated to be \$11,719.

The applicant contends that that these frontage improvements would not mitigate any impacts created by this development. The traffic from the Nielsen Subdivision would not use this 80-foot section of improved roadway because it is too short to be usable, making these improvements disproportionate. They contend that frontage improvements would not be extended east or west from this development. They indicate that the parcels to the west are too small to be developed in the RC-2.5 zone.

The applicant contends that, with a current paved width of 26 feet, NE Healy Road meets the common standard for rural county roads, thus this required improvement would not have a direct impact on public safety. According to Clark County GIS, this section of NE Healy Road has not experienced any traffic accidents, making these improvements unnecessary to improve safety. The applicant contends that this 7-foot wide strip will encourage parking, which is not permitted on a Rural Minor Collector per CCC 40.350.030(A)(6)(a)(2), and would increase the risk to public safety.

Finding 18: Staff Evaluation – This is probably the first development in the Chelatchee Prairie Rural Center since the instigation of the Rural Center zone. As such, this will be the only portion of NE Healy Road to be constructed to this standard, as the applicant

contends. However, as with every new thing, there is always someone who has to be first. As this area develops over time, other developments fronting NE Healy Road will be required to widen it to these same standards. It will be difficult for staff to require other developers to make these improvements to NE Healy Road when this development has been granted relief from these requirements. This could result in none of these improvements being constructed by adjacent developers, leaving the burden of constructing them to the taxpayers.

This Rural Center zone extends westerly along NE Healy Road to its intersection with SR 503, where a combined store and gas station is located. This store and gas station is the only such facility for miles, and as such, draws customers from a large area. NE Healy Road runs north and east from the site, and serves a large area, continuing into Skamania County as a Department of Natural Resources road. Commercial activities accessing this road east of the site include Chelatchee Rock and NW Pulp & Paper Equipment. This road also provides access for various logging activities and forest recreational activities.

As stated above, the applicant cannot be required to construct frontage improvements to the portion of NE Healy Road that is not impacted by this development, per Rich Lowry, of the Clark County Prosecuting Attorney's Office. Therefore, frontage improvements are only required on the portion of NE Healy Road from the northwest corner of the site to the private road that provides access to the site, approximately 80 feet in length.

The applicant contends that the parcels to the west of this development are too small to ever be developed under the RC-2.5 zone requirements. This is true, as individual parcels. However, it is not uncommon for a developer to purchase several adjacent parcels to have sufficient land to develop. In fact, the vast majority of land located between the subject parcel and SR 503 to the west is already under one ownership, even though it comprises several parcels.

Motorists may be encouraged to use the required 7-foot widening for parking, according to the applicant. However, staff finds this unlikely, as there is little reason to park on the street in this rural residential area.

The applicant submitted an itemized cost estimate indicating the total cost of this widening is approximately \$11,719. This estimate has been reviewed by several engineering staff members, as well as the Engineering Team Leader. Staff concludes that this estimate overstates the cost of these improvements. Apparently, it assumes that there will be no work on the site other than this 80-foot long frontage improvement. However, the applicant will be required to construct the onsite private road and joint driveway, as well as the associated stormwater facilities. The estimate says that mobilization will cost \$2,600. But the contractor will already be mobilized and onsite to construct the other portions of this development. The applicant also estimates the cost of engineering and surveying for this 80-foot long widening at \$5,000. This is 43% of the total estimate. Again, staff feels that the surveying and engineering would only be a small addition to the engineering required for the remainder of this project.

These frontage improvements are required because this site is located in a Rural Center, where smaller lot sizes are permitted. In this case, 2.5-acre lots are allowed, instead of a minimum of 5 acres. The applicant is able to get more lots out of the same property. This cost of the additional requirements in Rural Centers is offset by the increased lot yield.

(See Condition # A-20)

Road Modification 2: NE Healy Road is classified as a Rural Minor Collector. There is no posted speed limit, so it is assumed to be 50 MPH per CCC 40.350.030(B)(8)(a) and RCW 46.61.415. The minimum driveway spacing onto collectors with a speed limit of 45 MPH and over is 230 feet, per Table 40.350.030-7 of the Transportation Standards. As proposed, this development will access NE Healy Road via a private road located at the western edge of the property. This access point is approximately 50 feet west of the most westerly of a pair of driveways accessing NE Healy Road across the street, not complying with the driveway spacing standard. Although the new access is a private road and not a driveway, staff interprets this requirement to also apply to driveway spacing from intersecting roads, as a road would have more impact than a driveway. The applicant requests relief from these spacing requirements.

According to CCC 40.550.010(A)(1), in order for the County to approve a Road Modification request, one of the following conditions must be met:

"A. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available;"

Finding 19 – The applicant contends that this private road access point is the best possible location given the horizontal alignment of NE Healy Road and the location of the approved septic drain field locations on the site. If the private road were realigned with a reverse curve from the west boundary to align with the dual driveways north of NE Healy Road, it would be located near the septic drain field locations. This alignment would be undesirable, and impose an unusual hardship on the applicant.

"B. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;"

Finding 20 – The applicant is not using this criterion as a basis for this road modification request.

"C. An alternative design is proposed which will provide a plan equal to or superior to these standards; and,"

Finding 21 – The applicant is not using this criterion as a basis for this road modification request.

"D. Application of the transportation standards to the development would be grossly disproportional to the impacts created."

Finding 22 – The applicant is not using this criterion as a basis for this road modification request.

Finding 23: Staff Evaluation – The Road Modification request contends that the access spacing requirements place an unusual hardship on the applicant. However, the applicant indicated in Road Modification 1 that this site has 553 feet of frontage along NE Healy Road. This amount of frontage provides ample opportunity to find an acceptable location for this access road. The access road could also access the existing private road that fronts the east end of the north boundary. Staff sees no reason that the access road has to be located along the west boundary. In fact, it appears that if the road was moved far enough east, the wetland impact would be reduced or even eliminated. This was confirmed by Brent Davis, Clark County Wetlands Biologist. The applicant has chosen to place the access road along the west boundary when other options are available, resulting in a self-imposed hardship. Self-imposed hardships shall not be used as a reason to grant a modification request, per CCC 40.550.010.

County code contains access spacing requirements in order to reduce conflicts between vehicles entering collectors from closely-spaced access points. These safety concerns have not been addressed by the applicant, and take precedence over the hardship concerns alleged by the applicant.
(See Condition # A-21)

Conclusions (Transportation)

Road Modification 1:

Based upon the above findings, staff finds that none of the four approval criteria are met.

Therefore, proposed Road Modification 1 does not meet the requirements of the county transportation ordinance.

Road Modification 2:

Based upon the above findings, staff finds that none of the four approval criteria are met.

Therefore, proposed Road Modification 2 does not meet the requirements of the county transportation ordinance.

Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to the conditions below, meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 1 - Applicability:

Stormwater and Erosion Control Ordinance CCC 40.380 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 40.380.040(B)(7)(a) and 40.380.040(B)(7)(b), building areas excluded
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 40.380.040(B)(3) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 40.380.030(A).

This application will result in 5,000 square feet or more of new impervious area within the rural area. CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the proposed homes and their normal appurtenances, are not subject to these sections of the Stormwater and Erosion Control Ordinance. However, the homes and appurtenances are still subject to the Erosion Control portions of this ordinance. (See Condition # A-26)

Finding 2 - Stormwater Proposal:

The applicant proposes utilizing roadside ditches for collection of stormwater from impervious surfaces. A detention pond and swale is to be constructed in the northwest corner of Lot 2. This facility will discharge to the south utilizing a level spreader, and sheet flow toward the Chelatchee Creek tributary, located onsite.

Finding 3 – Site Conditions and Stormwater Issues:

An off-site analysis extending a minimum of ¼ mile downstream from the site shall be submitted, to comply with CCC 40.380.040(B)(2) for all discharge points.

The material submitted for preliminary review was very sketchy. Significantly greater detail will be required on the final construction plans and technical information report (T.I.R.)

Conveyance calculations and details of the proposed control structures and metering devices from the ponds shall be required.

A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 40.380.060(D). In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also address the above items. (See Condition # A-27)

Stormwater facilities not located within the public right-of-way shall be privately owned in compliance with CCC 40.380.040(H)(3)(b), and maintained by the homeowners

association per the county's Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. The stormwater facilities must be placed in easements. Adequate access must be provided to the facilities to perform maintenance. (See Condition # A-28 & D-16)

Finding 4 – Erosion Control:

An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Conditions # A-29, D-11 and E-9 through E-12)

Effective January 1, 2001, all development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 40.380.050(D). Residential homeowners constructing their own development activity are exempt. (See Condition # A-30)

Conclusion:

Based upon the development site characteristics, and the requirements of the County's stormwater ordinance, staff concludes that a feasible stormwater plan can be prepared. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 Fire Marshal Review - This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 Building Construction - Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition B-2).

Finding 3 Fire Flow - Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Adequate fire flow is not available within 1000 feet of the property line. Alternative construction methods shall be used to meet fire flow, this may include 30 foot setbacks and a class "A" or better rated roof (See Condition A-31).

Finding 4 Fire Apparatus Access - Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (See Condition A-32).

Finding 5 Fire Apparatus Turnarounds - The provisions for turning around fire apparatus are not adequate. Provide an approved turnaround at the terminus of the joint driveway, constructed in accordance with Clark County road standards (See Condition A-33).

WATER & SEWER SERVICE:

Finding 1 The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and confirms that the proposed wells and septic systems are feasible, subject to conditions of approval.

Finding 2 Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording (See condition E-1).

Finding 3 The lots as configured will require several sewage lines over the creek and placement of the drain field within the habitat buffer and/or wetland buffer. This work requires local habitat and wetland review AND approval of a Washington State Department of Fish and Wildlife Hydraulic Permit Approval (HPA). Proof that all these reviews have been completed and approved will be required prior to final plat. (See condition # A-34).

IMPACT FEES:

Finding 1 The site is located in the Battle Ground School District Impact Fee (SIF) district.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, the school impact fees for each of the proposed new single-family dwellings in this subdivision are:

1. \$3,000.00 SIF per new single-family dwelling in the Battle Ground School District.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See condition of approval B-1 and D-5)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS was October 21, 2004, and was issued under WAC 197-11. The lead agency did not act on this proposal until the close of the 14-day comment period, which ended on November 4, 2004.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Staff Contact Person: Travis Goddard, (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 18), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

- A-1** Lot 5 lot will have to be adjusted to reflect a 2.5 acre size.
- A-2** With the exception of the septic lines and drain fields, no clearing or development shall occur within the riparian HCZ without an approved Habitat Permit.
- A-3** As proposed by the applicant, the septic lines shall be "paired" in order to minimize the number of creek crossings and clearing impacts. Pairing means running the lines parallel to each other along a proposed lot line at a maximum separation of 5-feet, pending Health Department approval.
- A-4** Installation of the septic lines shall be conducted by hand and minimize vegetative (i.e. groundcover grass and forb removal only) removal and soils disturbance to the maximum extent practicable.
- A-5** Any modifications to the preliminary plat that cause greater habitat impacts than what is preliminarily shown shall be subject to additional review and possible mitigation under a new Habitat Permit.
- A-6** All habitat areas shall be delineated on the face of the Final Plat.
- A-7** Appropriate demarcation and signage of the habitat boundaries shall be in place prior to initiating any groundbreaking activity.
- A-8** The applicant shall delineate "building/clearing envelopes" on proposed lots 2, 3, 4, and 5 on the Final Plat that are clearly outside of the habitat boundaries.
- A-9** Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality. Signs shall read "Habitat Conservation Area, Please leave in a natural state - Department of Community Development (360) 397-2375."
- A-10** A note shall be included on the face of the Final Plat stating "clearing native vegetation, planting non-native vegetation, construction or development of any kind, the dumping of yard wastes, and any other physical alteration of the habitat area determined injurious by the Planning

Director, is expressly prohibited as per Conservation Covenant #_____."

- A-11** The applicant shall enter the riparian HCZ into a Habitat Conservation Covenant in conjunction with the Final Plat.
- A-12** The Habitat Conservation Covenant shall specifically prohibit the construction of fences across the riparian area, the clearing of native vegetation (both dead or alive), the removal of downed woody debris, the dumping of yard wastes, and any other physical alteration of the land that degrades habitat functionality. The covenant shall also require individual lot owners to maintain the exclusionary signage used to protect the habitat area.
- A-13** Final wetland permit approval shall be required (standard wetland permit condition);
- A-14** The Final Enhancement/Mitigation plan shall be revised to show all proposed wetland impacts and shall include sufficient wetland mitigation to comply with CCC 40.450.040 (D) (see Wetland Finding #3);
- A-15** The Final Enhancement/Mitigation plan shall be revised to show all wetland buffer impacts (including function loss adjacent to the wetland fill) and shall include adequate buffer mitigation to comply with CCC 40.450.040 (C)(5) (see Wetland Finding #4).
- A-16** The onsite private road must comply with the requirements of Table 40.350.030-5 and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum surfacing width of 20 feet and a minimum easement width of 30 feet. (See Transportation Finding #2)
- A-17** The applicant shall construct a hammerhead complying with Drawing 32 of the Transportation Standards at the end of the private road. (See Transportation Finding #3)
- A-18** The applicant shall provide a private road maintenance agreement for the private road as required in CCC 40.350.030(C)(4)(g). This agreement must include the owners of all the lots in this development among those responsible for the maintenance of this road. (See Transportation Finding #4)
- A-19** The applicant shall dedicate sufficient right-of-way to provide a minimum 30-foot half-width right-of-way along the entire frontage of NE Healy Road. (See Transportation Finding #6)
- A-20** The applicant shall construct sufficient improvements to obtain a minimum half-width paved roadway of 20 feet with a 6-foot wide detached sidewalk for the portion of NE Healy Road between the west line of this plat and the proposed private access road. A taper at the west end complying with AASHTO standards shall also be constructed. An asphalt sidewalk is acceptable. (See Transportation Findings #6 & #18)
- A-21** The proposed private road shall be realigned to intersect NE Healy Road at a point directly across the street from the twin driveways on the north side of the street. (See Transportation Finding #8 & #23)

- A-22** The joint driveway shall be constructed to the west line of Lot 5. This driveway shall have a minimum width of 12 feet of clear, unobstructed all-weather driving surface, and an overhead clearance of 13 feet 6 inches. (See Transportation Finding #9)
- A-23** The joint driveway shall be constructed with a minimum of one turnout constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards. (See Transportation Finding #10)
- A-24** The joint driveways shall be in a minimum 20-foot wide easement. This easement shall be widened as necessary to accommodate the required turnout. (See Transportation Finding #11)
- A-25** The applicant must submit a document, signed and stamped by an engineer licensed in the State of Washington, indicating that 500 feet of sight distance is available in both directions on NE Healy Road at the intersection with the proposed private road. Sight distance is to be measured in compliance with CCC 40.350.030(B)(8)(b). (See Transportation Finding #13)
- A-26** This development is subject to CCC 40.380, the Stormwater and Erosion Control Ordinance. The construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area are exempt from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). All of the stormwater from all of the roads is subject to Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). (See Stormwater and Erosion Control Finding #1)
- A-27** A final stormwater control plan and final technical information report (T.I.R.) shall be submitted for approval in compliance with Section 40.380.060(D). In addition to refining and confirming the preliminary stormwater design report, the final plan and report shall also include (but not be limited to) the following:
- A discussion of how the on-site conveyance system has been designed for ultimate build-out of the upstream area based on the maximum density achievable under the comprehensive plan.
 - An analysis of the erosion, sedimentation, and pollution potential at the outlets of the system, and a minimum ¼ mile downstream.
 - Conveyance calculations and details of the proposed control structures and metering devices from the ponds shall be required.
 - It shall address all other stormwater and erosion control issues identified in this decision.
- (See Stormwater and Erosion Control Finding #3)
- A-28** Stormwater facilities not located within the public right-of-way shall be privately owned in compliance with CCC 40.380.040(H)(3)(b), and maintained by the homeowners association per the county's Stormwater Facilities Maintenance Manual, as adopted by Chapter 13.26A. The stormwater facilities must be placed in easements. Adequate access

must be provided to the facilities to perform maintenance. (See Stormwater and Erosion Control Finding #3)

A-29 An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Stormwater and Erosion Control Finding #4)

A-30 All development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director. (See Stormwater and Erosion Control Finding #4)

A-31 Fire Flow - Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Adequate fire flow is not available within 1000 feet of the property line. Alternative construction methods shall be used to meet fire flow, this may include 30 foot setbacks and a class "A" or better rated roof. (Fire Prevention Finding 3)

A-32 Fire Apparatus Access - Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (Fire Prevention Finding 4)

A-33 Fire Apparatus Turnarounds - The provisions for turning around fire apparatus are not adequate. Provide an approved turnaround at the terminus of the joint driveway, constructed in accordance with Clark County road standards. (Fire Prevention Finding 5)

A-34 The proposed sewage disposal plan requires local habitat and wetland review AND approval of a Washington State Department of Fish and Wildlife Hydraulic Permit Approval (HPA). Proof that all these reviews have been completed and approved will be required prior to final plat. (See Water & Sewer Service Finding).

B. Conditions that must be met prior to issuance of Building Permits

B-1 Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- School Impact Fees: \$3,000.00 (Battle Ground School District)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate.

B-2 Building Construction - Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and

fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fiore Protection Finding #2)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

D-1 Archaeological (all plats):

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-2 Land Near Agricultural, Forest or Mineral Resource Lands:

"The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."

D-3 Mobile Homes:

"Mobile homes are permitted on all lots subject to the requirements of CCC 40.260.130."

D-4 Mobile Homes:

"Applicants for placement of mobile homes are required to meet all of the listed criteria found in CCC 40.260.130(D) at the time of placement permit."

D-5 Impact Fees:

"In accordance with CCC 40.610, the School Impact Fees for each dwelling in this subdivision are: \$3,000.00 (Battle Ground School District). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 Septic Systems:

"The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

D-7 Wetland Covenants:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural

state. Refer to Conservation Covenant recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."

D-8 Wetland Development Envelopes:

"No 'regulated activities' as defined in the Wetland Protection Ordinance (Clark County Code Chapter 40.450) shall occur outside of the development envelopes shown on the face of this plat without prior approval from the County Planning Director."

D-9 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services."

D-10 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-11 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-12 Driveways:

"No lots shall have direct access onto NE Healy Road."

D-13 Driveways:

"The joint driveway shall be provided with an approved turnaround at the terminus."

D-14 Driveways:

"Only Lots 3, 4 & 5 of this plat may utilize the joint driveway to access the private road."

D-15 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

D-16 Privately Owned Stormwater Facilities:

"The homeowners association is responsible for long-term maintenance of the privately owned stormwater facilities."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

E-1 If the use of wells and/or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording.

E-2 Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Water Wells and Septic Systems:

E-3 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

E-4 For on-site water wells and sewage system, the following requirements shall be completed prior to final plat recording:

- A. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- B. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- C. Each on-site sewage system shall be on the same lot it serves;
- D. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- E. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- F. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- G. A copy of the County approved final drainage plan shall be submitted for review; and,
- H. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

Wetlands and Buffers:

E-5 If there are wetlands or wetland buffers on the site, the requirements of CCC Section 40.450.030(E) apply even if no impacts are proposed. These requirements include:

- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence);
- b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat or Site Plan and including a note that refers to the separately recorded conservation covenant.

Final Construction Plan Review:

E-6 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-7 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

E-8 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-9 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-10 Erosion Control:

A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-11 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-12 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-13 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-14 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
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